

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CAUSE NO. 1:16CR35-LG-RHW-3

TRACY JERMAINE RICHARD

**ORDER GRANTING IN PART THE DEFENDANT'S
MOTION FOR PSYCHIATRIC EXAMINATION**

BEFORE THE COURT is the defendant's [78] Motion filed pursuant to 18 U.S.C. § 4241 for a psychiatric or psychological examination to determine the defendant Tracy Jermaine Richard's mental competency to stand trial and/or enter a guilty plea. The Court having considered the Motion and having considered the arguments of counsel made at the hearing held on May 17, 2018, hereby orders as follows:

1. The Court, based on the representations of counsel for the defendant and upon this Court's own observations finds reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent as defined in 18 U.S.C. § 4241(a). As such, the Court will promptly schedule this matter for a competency hearing after receipt of the report provided for herein.
2. The defendant's [78] Motion for a psychiatric or psychological evaluation is **GRANTED** to the extent that the Court orders that a psychological or psychiatric examination of the defendant be conducted

and that an appropriate report be filed with the Court, pursuant to the provisions of 18 U.S.C. § 4247(b) and (c). The Motion is **DENIED** in all other respects.

3. Pursuant to § 4247, Tracy Jermaine Richard shall be transported and committed to the custody of the Attorney General for placement in a suitable facility designated to perform the evaluation. Unless impracticable, the examination shall be conducted in a suitable facility closest to the Court.
4. The purpose of the evaluation shall be to conduct a psychiatric or psychological examination, in accordance with this Order, by a licensed or certified psychiatrist and/or clinical psychologist.
5. Pursuant to Fed. R. Crim. P. 12.2(c)(1)(A), the defendant is to submit to such examination as ordered above.
6. The examiner designated to conduct such examination shall, pursuant to 18 U.S.C. § 4247(c), file with the Court as soon as possible after the completion of such examination, a report of the examination with copies provided to counsel for the defendant and counsel for the United States, and said report shall include:
 - a) the defendant's history and present symptoms;
 - b) a description of the psychiatric, psychological, and medical tests that were employed and their results;
 - c) the examiner's findings; and

- d) the examiner's opinions as to diagnosis, prognosis, and whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
7. Pursuant to 18 U.S.C. § 4247(b), the defendant is remanded to the custody of the United States Marshal and shall be committed to the Attorney General for the purpose of such examination for a reasonable period of time not to exceed thirty days, unless otherwise ordered by the Court.
8. The defendant shall thereafter remain in the custody of the Marshal, pending further orders of this Court.

SO ORDERED AND ADJUDGED this the 17th day of May, 2018.

s/ *Louis Guirola, Jr.*
Louis Guirola, Jr.
United States District Judge